

REMARKS

Claims 10-23 have been rejected under 35 U.S.C. § 103(a) as obvious over Stadelmann in view of Hunt et al. Applicants respectfully traverse this rejection.

New independent claims 25 and 26 are presented together with new dependent claim 27, which depends from claim 26. New claims 25-27, which are directed to the same general subject matter as claim 10, more particularly point out and distinctly claim such subject matter.

Claim Rejections – 35 U.S.C. § 103(a)

The rejection of claims 10-23 under 35 U.S.C. § 103(a) as being unpatentable over Stadelmann, in view of Hunt is respectfully traversed for at least the following reasons:

In Stadelmann's system, only one message including transaction data (the short confirmation message F) is sent to the validation platform; whereas claim 10 requires that both a customer message including transaction data, and a provider message including transaction data, be sent to a payment gateway. See column 3, lines 29-32 of Stadelmann.

In Stadelmann's system, the transaction data included in the short confirmation message F does not include payment options, whereas claim 10 requires that the transaction data in the provider message include payment options.

In Stadelmann's system, the validation platform does not synchronize the short confirmation message F with any other received message that includes transaction data; whereas claim 10 requires that a customer message including transaction data be synchronized with a provider message including transaction data.

In Stadelmann's system, the validation platform does not compare the short confirmation message F with any other received message that includes transaction data; whereas claim 10 requires that a customer message, including transaction data, be compared with a provider message including transaction data to determine whether they match.

In Stadelmann's system, the validation platform processes the short confirmation message F with data pertaining to the customer and the provider, as described at column 3, line 47, to column 4, line 5, as a prerequisite to performing a deduction from a customer's account; whereas claim 10 requires that a deduction from the customer's account be performed if the

compared provider and customer messages include transaction data match. As noted above, in Stadelmann's system there is no comparison of provider and customer messages that include transaction data.

The foregoing distinctions between Stadelmann's system and the system of the present invention were argued in the Remarks portion of the Amendment filed 8 February 2008 and were not rebutted by the Examiner. The Examiner merely copied the detailed statement in support of the rejection of claim 10 from the prior Office Action of 9 November 2007, except for adding some text to the paragraph on page 4 beginning with "allowing," which appears to have been added in order to correct a clerical error in the prior Office Action.

The Examiner then conceded that "Stadelmann fails explicitly to disclose the steps of synchronizing said provider and customer messages in the payment gateway, comparing said provider and customer messages to determine whether they match." However, the Examiner asserted that Hunt was in the same field of invention and further asserted that Hunt "discloses that the steps of synchronizing said provider messages in the payment gateway, comparing said provider and customer messages" (this seems to be an incomplete sentence so it is quoted exactly). The Examiner then concluded that it would have been obvious to modify the system disclosed by Stadelmann to include the features mentioned and taught by Hunt in order to facilitate the tracking of shopping cart-related activity.

Such a modification would not have been obvious because Hunt is directed to a different field of invention and does not teach the steps of synchronizing provider and customer messages in a payment gateway and comparing said provider and customer messages to determine whether they match. Whereas claim 10 requires that the synchronization and comparison functions be performed as part of a method of payment for goods or services, Hunt merely discloses a method of correlation and analysis of sales data subsequent to the sales for the purpose of analyzing purchase and traffic patterns. (Abstract and Summary of the Invention portions of Hunt). Correlation and analysis of sales data after sales is not related to synchronization and comparison functions that are performed as part of the method of payment.

Claims 11-23 ultimately depend upon claim 10 and are believed to be allowable for at least the same reasons as presented above.

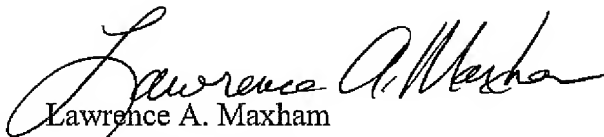
New claims 25-27 are likewise believed to be allowable and the arguments with respect to claim 10 apply to these claims.

CONCLUSION

Applicants do not necessarily agree with any of the Examiner's comments regarding the applicability of the cited references to any of the claims. However, in view of the reasons presented herein for the patentability of the subject matter of the currently pending claims, applicants are not presenting additional arguments for traversing the rejection of the claims at this time. Applicants reserve the right to present additional arguments for traversing the present and any future rejections of the claims. Should any issues remain unresolved, Mr. Ali is invited to telephone the undersigned attorney.

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